

Message

From: Glynn, Tara [Glynn.Tara@epa.gov]
Sent: 5/6/2019 2:15:54 PM
CC: Glynn, Tara [Glynn.Tara@epa.gov]
Subject: OCSPP Lead Region Reminders/Updates (April 22, 2019 - May 6 2019)
Attachments: April 2019 Training Provider Reaccreditation Measure Data Due Tuesday May 7, 2019 COB

Good morning everyone!

This is the latest OCSPP Lead Region “Bi-Weekly” directed to OCSPP and Regional Division Directors, their managers, and associated staff.

Please note that this Thursday (May 9) is our next OCSPP-RDD VTC at 2:00 PM (ET). Please provide me **agenda topics by noon May 8, 2019.**

Thank you to Regions 8 and 10 for your review and response to me concerning the Training Provider Reaccreditation Processing data for the bowling chart. I have attached my May 3, 2019 email for your convenience. Please let me know of any discrepancies by **May 8, 2019 COB**. If I do not hear from your region, the data will be presumed accurate. Thank you in advance for your cooperation

The OCSPP/RDD in person Meeting will be taking place from August 14-15, 2019 at Potomac Yards. More information to come.

- Provide Agenda topics [here](#).
- Provide attendees [here](#).

Please provide your updated LCRD organization chart [here](#). Thank you to the Regions that have already submitted them.

You can find the Sub-Lead summary table for April [here](#).

And finally, please continue to let me know of personnel changes that pertain to your programs.

Thanks,

Tara Glynn
US EPA Region 2
Chemicals Mgmt Section
(732) 906-6183

Items of Interest/Updates:

OCSPP Regional Directory

Regions—please make updates to the Directory [here](#).

Action Items from the November 2018 in person meeting can be found [here](#).

Upcoming Calls/Meetings:

May 9 - OCSPP/RDD Monthly VTC 2PM (ET)

May 10 -OCSPP Monthly Business Review Meeting 10:30 AM (ET)

May 15 - OPPT Regional Managers Monthly Call 2 PM (ET)
May 21 - FIFRA Practitioners Call 1PM (ET)
May 22 – OPP/OECA Call 12 PM (ET)
May 28 - TRI Enforcement Call 2PM (ET)
June 5 - Regional Lead Coordinators Call 1 PM (ET)

Webinars:

Webinar Series on the Mercury Inventory Reporting Rule of the Toxic Substances Control Act (TSCA)

EPA is hosting two webinars for companies, organizations, and individuals required to report under the Mercury Inventory Reporting Rule of the Toxic Substances Control Act (TSCA). The final rule requires persons who manufacture (including import) mercury or mercury-added products, or otherwise intentionally use mercury in a manufacturing process, to submit their mercury information to EPA using the online Mercury Electronic Reporting (MER) application. This information will be used to develop triennial inventories of mercury supply, use, and trade in the United States.

A webinar providing background on reporting requirements under the final rule, such as who must report under the final rule and the required reporting information, will take place on Tuesday, May 21, 2019 at 2 PM ET. Following EPA's presentation, webinar participants will have an opportunity to ask questions on reporting requirements under the final rule.

- To participate in the "Mercury Inventory Reporting Rule" webinar, please register on Eventbrite at <https://www.eventbrite.com/e/mercury-inventory-reporting-rule-webinar-tickets-60219014694>.

A second webinar demonstrating how to use the online MER application through EPA's Central Data Exchange (CDX) will take place on Thursday, May 23, 2019 at 2 PM ET.

- To participate in the "Mercury Electronic Reporting (MER) Application" webinar, please register on Eventbrite at <https://www.eventbrite.com/e/mercury-electronic-reporting-mer-application-webinar-tickets-60220519194>.

For more information on the Mercury Inventory Reporting Rule, visit EPA's Mercury website at www.epa.gov/mercury.

In The News:

EPA Awards Oregon State University with the National Pesticide Information Center Cooperative Agreement

EPA has awarded a cooperative agreement to Oregon State University (OSU) to support the National Pesticide Information Center (NPIC), which provides the public with objective, science-based information on pesticide-related subjects through a website, toll-free telephone service, and outreach. Trained experts will respond to questions on the risks associated with pesticide use, restrictions on pesticide use, who to contact for regulatory enforcement, and how to report information on incidents. NPIC will also collect information on suspected incidents that callers give voluntarily.

The cooperative agreement is funded at \$1,000,000 for the first year, with a total amount of up to \$5,000,000 over the five years of the cooperative agreement (2019-2024), subject to the availability of funds. EPA solicited proposals from eligible applicants, and applications were due on July 30, 2018.

To learn more about the National Pesticide Information Center see: <http://npic.orst.edu>.

Court Orders EPA to Respond To Chlorpyrifos Concerns

Ellen M. Gilmer, E&E News reporter

Published: Friday, April 19, 2019

EPA has 90 days to respond to objections to its continued approval of the controversial pesticide chlorpyrifos.

The 9th U.S. Circuit Court of Appeals today ordered the agency to promptly complete its review of the comments filed by environmentalists, farmworkers' groups and others opposed to EPA's reversal of earlier plans to ban the use of the chemical on food crops.

A three-judge panel ordered EPA to ban the farm chemical last year, but the 9th Circuit agreed to revisit that decision this year before a larger group of judges.

During oral arguments in March, the League of United Latin American Citizens and other groups urged the court to either require EPA to ban chlorpyrifos or, at the very least, require the agency to process administrative objections they had filed.

The 9th Circuit did the latter, concluding the order was appropriate "considering the history and chronology of this matter and the nature of the claims."

Several judges expressed frustration during oral arguments that EPA had apparently dragged its feet on the administrative process, making it difficult for proponents of a pesticide ban to get into court (Greenwire, March 27).

"We commend the court for this ruling as it forces the EPA to stop stalling," Earthjustice attorney Patti Goldman, who argued the case, said in a statement.

Today's order means EPA must respond to the groups' objections by mid-July. Once it does, they will have the opportunity to go back to court to challenge the outcome. The order stipulates that the larger panel of 9th Circuit judges will retain jurisdiction over the case and related litigation.

"The law and the science are clear — this dangerous nerve poison does not belong on our food or in our fields," Erik Olson, head of the health and food program at the Natural Resources Defense Council, said in a statement. "We are pleased the court is holding the Trump administration's feet to the fire and ordering EPA to address our objections to the continued use of this toxic pesticide.

"After 12 years of foot-dragging," he continued, "it's past time for EPA to protect our kids and agricultural communities by banning chlorpyrifos."

EPA spokesman James Hewitt said: "We are reviewing the court's order and will be taking final action on the administrative objections before the agency within 90 days."

EPA Urges Court To Reject Challenge To Mercury Inventory, Waivers

April 19, 2019

EPA is urging a federal appellate court to dismiss a suit brought by states and environmentalists seeking to strengthen the agency's June 2018 mercury inventory and repeal the categories of reporting waivers it included, arguing that its rule met requirements that Congress included in its reform of the Toxic Substances Control Act (TSCA).

“EPA designed its mercury inventory reporting rule to meet its statutory duties under [TSCA], while complementing existing sources of information, and minimizing data collection and reporting burdens. This approach was logical. And it falls well within the broad discretion afforded EPA under TSCA,” EPA argues in its [April 17 response](#) to the petitioners' suit.

“Petitioners ask this Court to vacate portions of the mercury inventory reporting rule. Their request is based on a distorted and selective reading of TSCA’s requirements,” EPA's brief adds.

EPA's June 2018 final rule creating an inventory of mercury supply, use and trade [exempts data](#) that has already been reported to an existing database, known as the Interstate Mercury Education and Reduction Clearinghouse (IMERC), that is run by 13 states, including Vermont.

EPA's rule under TSCA section 8(b)(10)(D) is one of a series of actions the agency was required to take within two years of TSCA's 2016 update. It requires reporting from manufacturers of mercury or mercury-added products to support an inventory of mercury supply, use and trade in the United States.

While EPA says that the inventory will inform regulation to further reduce mercury use, the rule did not propose any such steps at its issuance. The rule is also intended to help the United States comply with its international obligations to regulate mercury under the United Nations' Minamata Convention on Mercury, signed by the Obama administration. The treaty took effect in August 2017.

But EPA's rule rejected several calls from the states that had sought to either scrap the waivers or harmonize state and federal reporting to ensure a comprehensive national database. Specifically, EPA's rule exempts from reporting certain companies who incorporate components containing mercury in their products and also exempts companies who manufacture quantities of mercury in excess of requirements for reporting under EPA's existing Chemical Data Reporting Rule (CDR).

The “Reporting Requirements for the TSCA Mercury Inventory” rule says that even though there is a “non-alignment” of data in existing state and federal programs, the agency believes it can still create a “totality of available data” to adequately monitor mercury trends.

Appellate Suit

Both Vermont and the Natural Resources Defense Council (NRDC) sued EPA over the rule, a consolidated case now being heard in the U.S. Court of Appeals for the 2nd Circuit.

Vermont argues in its [Dec. 10 brief](#) that EPA's decision to exempt certain categories from reporting violates the Administrative Procedure Act (APA) “because the exemptions create new gaps in information in contradiction of Congress’s intent to fill those gaps.”

As a result, the state says, EPA's decision is arbitrary and capricious or otherwise not in accordance with law."

Vermont says the exemptions the agency allowed "do not align with the primary purpose of" the updated TSCA, which "requires EPA to create a new, national inventory of mercury-containing products in U.S. Commerce" and "specifically directed EPA to 'coordinate the reporting' of the mercury inventory with IMERC."

Vermont also argues that EPA's exemptions "hinder" its and the rest of the IMERC states' abilities to enforce their own existing laws and fulfill federal obligations.

"Only EPA is capable of ensuring the level of compliance necessary to produce a complete and accurate inventory of mercury supply, use, and trade in the United States because it has broad enforcement power and resources ... States are incapable of collecting the same reporting data from the complete universe of mercury-added products. The complete federal inventory that Congress demands in the TSCA balances the shortcomings of state-level enforcement."

Similarly, NRDC argues in its Dec. 7 brief that EPA's exemptions "ensure that EPA will once again fail to compile an accurate, comprehensive inventory," are unlawful, "and must be set aside."

NRDC says that EPA's exemption for components is "foreclosed" by TSCA. And it argues that the second exemption, which amends EPA's prior existing CDR rule, "exceeds the limited discretion TSCA affords EPA. . . . There is nothing 'unnecessary or duplicative' about the data required under [CDR] from manufacturers and importers who are also subject to the CDR program.

Vermont and NRDC's arguments are supported by a Dec. 28 amicus brief from Oregon, Connecticut, Hawaii, Massachusetts, Maine, Maryland, Minnesota, New Jersey, Pennsylvania, Rhode Island, and Washington.

EPA Discretion

EPA, however, argues that the inventory rule it finalized meets TSCA and is within the discretion Congress allowed it in the statute.

"When read in full, the relevant provisions of TSCA expressly confer on EPA discretion to decide what information to collect under the mercury inventory reporting rule and when to collect it. EPA reasonably exercised this discretion by focusing reporting requirements on those manufacturers and importers that actually use mercury in a manufacturing process or who insert mercury into products in the first instance," EPA's reply states.

"The Agency supported its decision with a reasoned rationale, one based on a sound interpretation of the statute's text, including the directive to avoid duplicative reporting, and on practical considerations of regulatory efficiency."

EPA argues that TSCA section 8(a)(5)(A) requires it, "to the extent feasible" to "not require reporting which is unnecessary or duplicative."

As one example, EPA argues that its CDR exemption eliminates duplicative reporting for those companies that would otherwise be required to report mercury uses to EPA twice, through the inventory and through CDR. "Both the CDR rule and mercury inventory reporting rule require mercury manufacturers to report the quantity of mercury that they manufacture. Unlike the CDR rule, however, the mercury inventory reporting rule has no reporting threshold. . . . So the universe of reporters subject to the mercury inventory reporting rule is much broader than under the CDR rule. A handful of persons are subject to both programs. . . . Those CDR reporters

are 'not categorically exempt from the mercury inventory reporting requirements,' and must still report other information, including the amount of mercury that they store or distribute in commerce.” -- *Maria Hegstad* (mhegstad@iwpnews.com)

EPA Takes Next Step in Review Process for Herbicide Glyphosate, Reaffirms No Risk to Public Health

Today, the U.S. Environmental Protection Agency (EPA) is taking an important step in the agency's review of glyphosate. As part of this action, EPA continues to find that there are no risks to public health when glyphosate is used in accordance with its current label and that glyphosate is not a carcinogen. The agency's scientific findings on human health risk are consistent with the conclusions of science reviews by many other countries and other federal agencies. While the agency did not identify public health risks in the 2017 human health risk assessment, the 2017 ecological assessment did identify ecological risks. To address these risks, EPA is proposing management measures to help farmers target pesticide sprays on the intended pest, protect pollinators, and reduce the problem of weeds becoming resistant to glyphosate.

“EPA has found no risks to public health from the current registered uses of glyphosate,” said **EPA Administrator Andrew Wheeler**. “Today's proposed action includes new management measures that will help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections. We look forward to input from farmers and other stakeholders to ensure that the draft management measures are workable, realistic, and effective.”

“If we are going to feed 10 billion people by 2050, we are going to need all the tools at our disposal, which includes the use the glyphosate,” **U.S. Secretary of Agriculture Sonny Perdue** said. “USDA applauds EPA's proposed registration decision as it is science-based and consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans.”

Glyphosate is the most widely used herbicide in U.S. agriculture and has been studied for decades. Glyphosate is used on more than 100 food crops, including glyphosate-resistant corn, soybean, cotton, canola and sugar beet. Non-agricultural uses include residential areas, aquatic areas, forests, rights of way, ornamentals and turf.

Once the Federal Register notice publishes, the public will be able to submit comments on EPA's proposed decision at www.regulations.gov in docket # [EPA-HQ-OPP-2009-0361](#). Public comments will be due 60 days after the date of publication in Federal Register. EPA's responses to the comments received on the draft ecological and human health risk assessments and the benefits assessment will be in the docket.

[Find more information about glyphosate, including today's proposed interim decision and supporting documents.](#)

[See the glyphosate draft risk assessments and supporting documents.](#)

New York Approves Ban on Chlorpyrifos Pesticide

Posted April 30, 2019, 7:13 PM

- Bill would phase out the use of the pesticide by the end of 2021
- Farm groups say there are few alternatives, ban would put crops at risk

New York State would phase out and then entirely ban the use of chlorpyrifos by the end of 2021, according to legislation passed April 30.

The bill ([A.2477/S.5343](#)), passed by the state Senate and Assembly as part of a larger environmental package now heads to Gov. Andrew Cuomo's (D) desk for final approval.

Chlorpyrifos has been linked to neurological damage in children and has been banned for home use nationally since 2001. It is one of the most common bug killers and is used on a wide array of crops such as corn, apples, and almonds.

The pesticide is primarily produced by Corteva Agriscience, DowDupont Inc.'s agriculture division. Corteva Agriscience did not immediately respond to a request for comment April 30.

A Cuomo spokesman said the governor's office is reviewing the measure and pointed to his "aggressive environmental agenda."

New York is the second state to pass a ban after Hawaii, which approved a similar measure in June 2018. Other states, including Connecticut and Oregon, have proposed bans, and California has passed a suite of measures taking the pesticide off store shelves in 2015 and only allowing for permitted and licensed applications. California further restricted commercial use in 2018 and said it can only be used on crops where there are few alternatives.

New York's legislation comes after a federal court of appeals April 19 gave the U.S. Environmental Protection Agency 90 days to decide whether to ban the use of chlorpyrifos on food. Under the Obama administration, the EPA proposed ending all agricultural uses of the pesticide, but didn't make a final decision on the issue. Under the Trump administration, the agency has called for further evaluation of the neurodevelopmental effects of chlorpyrifos.

Farm Groups Concerned

"I think it's important that we make sure that our farm workers, that the food that we eat, and the others who come in contact with chlorpyrifos are no longer poisoned by that chemical," state Sen. Todd Kaminsky (D), chairman of the Senate Environmental Conservation Committee and the bill's Senate sponsor, said in an interview.

Agriculture groups are concerned about the ban's potential impact on New York's large farming industry, particularly on onions and cabbage crops—two of the largest vegetable commodities in the state.

"There aren't many alternatives, if any. It definitely puts the plants more at risk of loss and disease," New York Farm Bureau spokesman Steve Ammerman said in an interview.

The Farm Bureau is also concerned the bill disregards the current pesticide registration process, which requires a review by the EPA and the state Department of Environmental Conservation.

"We are concerned that the legislation is taking this from the scientific realm and putting decisions on crop tools into the political realm," Ammerman said.

Phaseout Planned

The bill provides a phaseout, which gives time for farmers to try different products and for corporations to develop alternatives, Kaminsky said.

It would prohibit the aerial application of the pesticide starting in 2020, and would ban all use of chlorpyrifos except on apple tree trunks by 2021. The chemical would be completely banned by Dec. 1, 2021.

Environmental advocacy groups praised the measure.

“It’s another strong standard that will prevent New Yorkers from being exposed to a chemical that we know as dangerous,” Environmental Advocates Executive Director Peter Iwanowicz said in an interview.

EPA Reiterates Its View That Glyphosate Is Not Carcinogenic

May 01, 2019

The Trump EPA is reiterating its view that glyphosate, the widely used herbicide, is not carcinogenic, underscoring a long-running dispute with environmentalists and some states, like California, which view the chemical as a carcinogen and potentially bolstering its manufacturer, which is facing billions of dollars in tort claims.

EPA announced April 30 that it is releasing its proposed interim registration review decision for glyphosate, and will take public comment upon it for 60 days once the announcement is published in the *Federal Register*.

“EPA has found no risks to public health from the current registered uses of glyphosate,” Administrator Andrew Wheeler says in an April 30 statement. “Today’s proposed action includes new management measures that will help farmers use glyphosate in the most effective and efficient way possible, including pollinator protections.”

The latest document reiterates EPA’s conclusions in its draft human health risk assessment, as well as conclusions in its draft ecological risk assessment that the pesticide poses some risk to birds, mammals and plants. EPA released both assessments for public comment in December 2017.

“If we are going to feed 10 billion people by 2050, we are going to need all the tools at our disposal, which includes the use [of] glyphosate,” Agriculture Secretary Sonny Perdue says in EPA’s April 30 statement. The Agriculture Department “applauds EPA’s proposed registration decision as it is science-based and consistent with the findings of other regulatory authorities that glyphosate does not pose a carcinogenic hazard to humans,” he said.

Those draft findings were at odds with California’s listing of glyphosate as a carcinogen under its Proposition 65 warning-label law, a finding that California’s Supreme Court upheld in its August 2018 rejection of Monsanto Co.’s appeal of the listing. EPA’s cancer finding is also contrary to the World Health Organization’s International Agency for Research on Cancer (IARC) 2015 monograph that concluded glyphosate probably causes cancer.

“EPA’s Pesticide office is out on a limb here -- with Monsanto and Bayer and virtually nobody else,” Jennifer Sass, Natural Resources Defense Council senior scientist, said in an April 30 statement.

Her comments underscore arguments that the chemical’s manufacturer -- Bayer, the successor to Monsanto -- is facing billions of dollars in tort claims from plaintiffs who charge their exposure puts them at risk of cancer.

So far, two U.S. juries have sided with plaintiffs against the company is expecting additional suits from as many as 13,400 plaintiffs in the United States, as well as additional suits in other countries.

As part of the ecological assessment, EPA conducted an evaluation of risk to pollinators and milkweed. “Available data (laboratory and field-based) indicate no risk to pollinators,” a pre-publication copy of the Federal Register notice states.

Still, EPA says it “is proposing spray drift management measures (e.g., release height, droplet size, and wind speed restrictions) to reduce off-site exposure to nontarget wildlife. EPA is also proposing weed resistance management labeling (e.g., information on mode of action, scouting instructions, and reporting instructions for weed resistance) to preserve glyphosate as a valuable tool for growers.”

EPA is required by 1996 amendments to the Federal Insecticide, Fungicide and Rodenticide Act to complete registration review of every registered pesticide every 15 years. For glyphosate and 700 other pesticides, that deadline falls on Oct. 1, 2022.

EPA describes glyphosate as “a broad-spectrum systemic herbicide” with registered agricultural uses including “glyphosate-resistant (transgenic) crops such as canola, corn, cotton, soybean, and sugar beet. Non-agricultural use sites include residential areas, turf, rights of ways, and aquatic areas.”